

MAR 06 2007

PTO/SB/26 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

AB-116UIn re Application of: **Todd K. Whitehurst et al.**Application No.: **10/081,820**Filed: **February 19, 2002**For: **Fully Implantable Miniature Neuro-Stimulator for Vagus Nerve Stimulation**

The owner*, **Advanced Bionics Corporation**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,735,475** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

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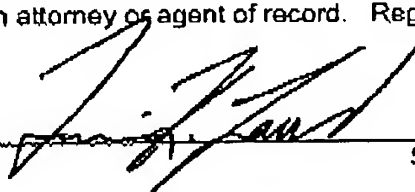
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. **55,351**


Signature

March 6, 2007

Date

Travis K. Laird

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